

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STANLEY E. SMITH,)	CASE NO. 5:08CV2805
)	
PETITIONER,)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
RICHARD GANSHEIMER,)	
Warden,)	ORDER
)	
RESPONDENT.)	
)	

This matter is before the Court upon a petition for a writ of habeas corpus filed by Stanley E. Smith (“Petitioner”), pursuant to 28 U.S.C. § 2254. (Dkt. # 1).

On January 27, 2009, this case was automatically referred to Magistrate Judge Benita Y. Pearson for preparation of a Report and Recommendation, pursuant to 28 U.S.C. § 636 and LR 72.1. On August 31, 2010, the Magistrate Judge issued a report and recommendation, recommending that the Court deny the instant petition because the both of the asserted grounds for relief had been procedurally defaulted. (Dkt. # 17).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within fourteen (14) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge’s recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court’s limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff’d, 474 U.S. 140 (1985); Howard v. Secretary of Health and

Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

The Court has reviewed the report and recommendation of the Magistrate Judge *de novo*, and finds that it is well-supported. Therefore, the Report and Recommendation of Magistrate Judge Pearson (Dkt. # 17) is hereby **ADOPTED**, and Petitioner's petition for a writ of habeas corpus is **DENIED**. (Dkt. # 1).

Finally, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ Peter C. Economus – September 27, 2010
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE